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RULES AND REGULATIONS GOVERNING THE USE OF LIMITED ACCESS FACILITIES (EXPRESSWAYS) BY MOTORCYCLES

DOTC DEPARTMENT ORDER NO. 2007-38, October 04, 2007

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WHEREAS, the Department of Transportation and Communications is the primary policy, planning, programming, coordinating implementing, regulating and administrative entity of the executive branch of the government in the promotion, development and regulation of dependable and coordinated network of transportation and communications system and has authority to administer and enforce all laws, rules and regulations relative to transportation;

WHEREAS, Section 3 of Republic Act 2000, otherwise known as the “Limited Access Highway Act”, authorized the Department of Public Works and Communications (DOTC) to plan, designate, established, regulate, vacate, alter, improve, and provide limited access facilities for public use wherever it is of the opinion that traffic conditions, present or future, will justify such special facilities;

WHEREAS, Section 3 (h) of Administrative Order No. 1 dated 19 February 1968, issued by then Department of Public Works and Communications made it unlawful for any person or group of persons to drive any bicycle, tricycle, pedicab, motorcycle, or any vehicle not motorized to operate or otherwise traverse on the limited access highways;

WHEREAS, DOTC Department Order No. 2007-015 dated 23 March 2007, designated and declared all expressways as Limited Access Facilities defined as “highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land and other persons have no right of easement or only a limited right or easement of access, light, air or view by reason of the fact that their property abuts upon such limited access facility or for any other reasons;

WHEREAS, subject to certain conditions, motorcycle operation may be allowed in Limited Access Facilities considering that there are no intersections, no pedestrian crossings, no loading and unloading zones and the highways are designed for through traffic;

NOW, THEREFORE, by virtue of the authority granted by the law, the Department of Transportation and Communications hereby orders as follows:

Only motorcycles with an engine displacement of at least 400 cubic centimeters (cc) shall be allowed to operate within the limited access facilities and subject to the following conditions:

A. Compliance with R.A. 4136 - The motorcycles must comply with all the provisions of R.A. 4136, otherwise known as the “Land Transportation and Traffic Code of the Philippines”, such as, but not limited to:

1. Roadworthiness;
2. Safety Standards issued by the competent authority(ies); and
3. Licensing Requirements

B. Safety Measures - For safety of motorists and riders, the following must be complied with:

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1. The motorcycles must follow the speed limits prescribed by the law and/or by the tollway operators;
2. The motorcycles shall not “lane-split” and overtake in between lanes;
3. Motorcycles shall use the lanes normally used by the other vehicles in accordance with safe motoring and practice;
4. The motorcycles shall travel with their headlights on at all times to improve and/or enhance their visibility to the lawful users of the toll road(s) and the limited access highway;
5. The motorcycles must ensure that their tail lights and turn signal lights are operational at all times;
6. The motorcycles shall not be allowed to load cargo except for normally accepted saddlebags and for luggage carriers specifically designed for the motorcycles;
7. The motorcycle operator shall be allowed one (1) back rider;
8. The motorcycle operator and its lone back rider must each use a protecting motorcycle helmet; and
9. The lone back rider must be provided with a seat and footrest in the motorcycle.

C. Licensing Requirements - The motorcycle must be covered by a current and valid registration and the motorcycle operator must be a holder of a valid license which he must be able to show at anytime to the competent authority who may ask for it.

D. Toll Rate - The motorcycle operator shall pay a toll rate prescribed for Class 1 vehicles. The motorcycle operators are encouraged to use electronic toll collection equipment (E-Pass) (EC-Tag) whenever the latter is available.

E. Penalty Clause - Violations of any provisions of this Order shall be punishable under Section 10 of R.A. No. 2000 or the Limited Access Highway Act.

F. Repealing Clause - All orders, rules and regulations and other issuances or parts thereof, which are inconsistent herewith, are hereby repealed, amended or modified accordingly.

G. Effectivity - This Department Order shall take effect after fifteen (15) days following the completion of its publication in a newspaper of general circulation.

Adopted: 04 Oct. 2007

(SGD.) LEANDRO R. MENDOZA
Secretary

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